Remarks

The Office Action mailed April 30, 2008, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 3-6, 36-49, 95, 97-100, 130 and 162 are now pending in this application. Claims 1, 3-5, 36-49, 95, 97-99, and 130 stand rejected. Claims 6 and 10 stand objected to. Claims 2, 7-35, 50-94, 96, 101-129, and 131-161 have been canceled. Claim 162 is newly added. No additional fee is believed due for newly added Claim 162. No new matter has been added.

The rejection of Claims 1, 3-5, 36-49, 95, 97-99, and 130 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,594,654 to Salam et al. (hereinafter referred to as "Salam") in view of U.S. Patent Application Publication 2002/0091568) to Kraft, et al. (hereinafter referred to as "Kraft") is respectfully traversed.

Salam describes a system and method for accumulating and displaying information items obtained via a computer network. Specifically, a user having access to the Internet is provided, via a web site, with a plurality of selectable expert topics. Each expert topic includes one or more network computer accessible sources of information. The user enters a user search request, selects one of the expert topics, and enters updated schedule information. The user search request, a selected expert topic, and updated schedule information is stored at a server site. In accordance with the updated schedule information, the user search request is provided to the information sources in the selected expert topic. Raw search results from the information sources are received, stored, and processed to eliminate dead links and duplicate items. The processed raw search results are stored as stored search items. A predetermined subset of the stored search items is selected and communicated to the user. Notably, Salam does not describe nor suggest a method for providing context sensitive information including identifying a user associated with a business operation, defining a query related to the business operation, defining and alarm criteria for the query information, comparing the query information to the alarm criteria, retrieving user information from the at least one

database in response to the querying, and transmitting at least one of the context sensitive subset query information to the user and notifying the user if the alarm criteria is met.

Kraft describes an advertising system that is tailored to both a user's customer profile and the user's current location. Specifically, the system is integrated with GPS technology to provide advertising messages that are personalized to the user based on directions that start from the user's current location. The information is provided in the form of driving directions, using the current physical position of the user as a start address. Notably, Kraft does not describe nor suggest a method for providing context sensitive information including identifying a user associated with a business operation, defining a query related to the business operation, defining and alarm criteria for the query information, comparing the query information to the alarm criteria, retrieving user information from the at least one database in response to the querying, and transmitting at least one of the context sensitive subset query information to the user and notifying the user if the alarm criteria is met.

Claim 1 recites a method for providing context sensitive information comprising "identifying a user associated with a business operation . . . defining a query related to the business operation . . . defining an alarm criteria for the query information . . . periodically querying at least one database . . . retrieving query information from the at least one database . . . comparing the query information to the alarm criteria . . . retrieving user information from the at least one database in response to the querying . . . obtaining a location of the user within a facility, the location of the user related to the user's duties within the business operation . . . creating a context sensitive subset of the query information based on the user information and the location of the user within the facility, the query information related to the user's duties within the business operation . . . transmitting at least one of the context sensitive subset query information to the user . . . and notifying the user if the alarm criteria is met."

No combination of Salam and Kraft describes nor suggests a method for providing context sensitive information, as is recited in Claim 1. More specifically, no combination of Salam and Kraft describes nor suggests identifying a user associated with a business operation, defining a query related to the business operation, defining an alarm criteria for the

query information, periodically querying at least one database, retrieving query information from the at least one database, and comparing the query information to the alarm criteria. Moreover, no combination of Salam and Kraft describes nor suggests retrieving user information from at least one database in response to the querying and obtaining a location of a user within a facility, wherein the location of the user is related to the user's duties within a business operation. Rather, in contrast to the present invention, Salam merely describes a system and method for accumulating and displaying information items obtained via a computer network, and Kraft describes displaying an advertisement that is based on a geographical location of a user. For at least the reasons set forth above, Claim 1 is submitted to be patentable over Salam in view of Kraft.

Claims 3-5 depend from independent Claim 1. When the recitations of Claims 3-5 are considered in combination with the recitations of Claim 1, as amended, Applicants submit that Claims 3-5 likewise are patentable over Salam in view of Kraft.

Claim 36 recites a system for providing context sensitive information to a user, wherein the system comprises "a server . . . at least one database connected to said server . . a query means for executing a predefined query on said at least one database, said query means creating a set of data that is related to a business operation, said query means configured to periodically query said at least one database . . a means for a user to request said set of data from said server, the user associated with the business operation . . . an application program on said server, said application program determining the identity of the user, obtaining a location of the user within a facility, and creating a context sensitive subset of said set of data based on the users identity and the location of the user within the facility, the location of the user and said context sensitive subset of said set of data related to the user's duties within the business operation, said application program configured to retrieve query information from said at least one database . . . and a means for transmitting one or more of said context sensitive subset of said set of data and a notification if predetermined alarm criteria is met to the user."

No combination of Salem and Kraft describes nor suggests a system for providing context sensitive information, as is recited in Claim 36. More specifically, no combination of

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Salem and Kraft describes nor suggests a system including a server, at least one database connected to said server, a query means configured to periodically query at least one database, a means for a user associated with the business operations to request the data from the server, and an application program on the server to determine the identity of the user and a location of the user within a facility. Moreover, no combination of Salem and Kraft describes nor suggests creating a context sensitive subset of query information based on user information and a location of the user within the facility, and a means for transmitting, to the user, one or more of the context sensitive subset of query information and a notification if predetermined alarm criteria is met, wherein the query information is retrieved from at least one database and is related to the user's duties within the business operation. Rather, in contrast to the present invention, Salam merely describes a system and method for accumulating and displaying information items obtained via a computer network, and Kraft describes displaying an advertisement based on a geographical location of a user. For at least the reasons set forth above, Claim 36 is submitted to be patentable over Salam in view of Kraft.

Claims 37-49 depend from independent Claim 36. When the recitations of Claims 37-49 are considered in combination with the recitations of Claim 36, Applicants submit that Claims 37-49 likewise are patentable over Salam in view of Kraft.

Claim 95 recites a storage medium encoded with machine readable program code for providing context sensitive information to a user, wherein the program code includes instructions for causing a computer to implement a method comprising "identifying a user associated with a business operation . . . defining a query related to the business operation . . . defining an alarm criteria for the query . . . transmitting said query and said user identity to a server . . . periodically querying at least one database . . . retrieving query information from said at least one database . . . retrieving user information from said at least one database . . .obtaining a location of the user within a facility, the location of the user related to the user's duties within the business operation . . . creating a subset of said query information based on said user information and the location of the user within the facility, said query information related to the user's duties within the business operation . . . formatting said subset query

information . . . and transmitting one or more of said formatted subset query information and a notification that an alarm criteria is met to the user."

No combination of Salem and Kraft describes nor suggests a storage medium encoded with machine readable program code for providing context sensitive information, as is recited in Claim 95. More specifically, no combination of Salem and Kraft describes nor suggests a storage medium including instructions to obtain a location of a user within a facility, including identifying a user associated with a business operation, defining a query related to the business operation, and defining an alarm criteria for the query, wherein the location of the user is related to the user's duties within a business operation. Moreover, no combination of Salem and Kraft describes nor suggests creating a context sensitive subset of query information based on the user information and the location of the user within the facility wherein the query information is related to the user's duties within the business operation, formatting the subset query information, and transmitting, to the user, one or more of the format subset query information and a notification that an alarm criteria is met. Rather, in contrast to the present invention, Salam merely describes a system and method for accumulating and displaying information items obtained via a computer network, and Kraft describes displaying an advertisement based on a geographical location of a user. For at least the reasons set forth above, Claim 95 is submitted to be patentable over Salam in view of Kraft.

Claims 97-99 depend from independent Claim 95. When the recitations of Claims 97-99 are considered in combination with the recitations of Claim 95, as amended, Applicants submit that Claims 97-99 likewise are patentable over Salam in view of Kraft.

Claim 130 recites a method of encoding a data signal that is propagated over a propagation medium, the data signal being context sensitive to the particular user, wherein the method comprises "identifying a user associated with a business operation . . . defining a query related to the business operation . . . defining an alarm criteria for said query . . . transmitting said query and said user identity to a server . . . periodically querying at least one database . . . retrieving, at least periodically, query information from said at least one database . . . retrieving user information from said at least one database . . . obtaining a

location of the user within a facility, the location of the user related to the user's duties within the business operation . . . encoding the data signal with a context sensitive subset of said query information that is based on said user information and the location of the user within the facility, the query information related to the user's duties within the business operation . . . and determining if an alarm criteria is met."

No combination of Salem and Kraft describes nor suggests a method of encoding a data signal, as is recited in Claim 130. More specifically, no combination of Salem and Kraft describes nor suggests a method of encoding a data signal that includes identifying a user associated with a business operation, defining a query related to the business operation, and defining an alarm criteria for the query. Moreover, no combination of Salam and Kraft describes nor suggests including instructions to obtain a location of a user within a facility, wherein the location of the user is related to the user's duties within a business operation, creating a context sensitive subset of query information based on user information and a location of a user within a facility and determining if an alarm criteria is met, wherein the query information is related to the user's duties within the business operation. Rather, in contrast to the present invention, Salam merely describes a system and method for accumulating and displaying information items obtained via a computer network, and Kraft describes displaying an advertisement based on a geographical location of a user. For at least the reasons set forth above, Claim 130 is submitted to be patentable over Salam in view of Kraft.

Moreover, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art using reconstruction to render the present invention obvious. The United States Supreme Court has recently expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon ex post reasoning. See *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d at 1397. See also *Ex parte Rinkevich*, 2007 WL 1552288 (Bd. Pat. App. & Interf. May 29, 2007). Specifically, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly

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suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Because there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 3-5, 36-49, 95, 97-99, 130, and 132-135 be withdrawn.

Applicants acknowledge the Examiner's indication that Claim 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 depends from independent Claim 1, and Claim 1 has been amended above and is submitted as patentable over Salam in view of Kraft. When the recitations of Claim 6 are considered in combination with the recitations of Claim 1, as amended, Applicants submit that Claim 6 likewise is patentable. For at least the reasons set forth above, Applicants request that the objection to Claim 6 be withdrawn.

Applicants acknowledge the Examiner's indication that Claim 100 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended Claim 100 to address the issue raised by the Examiner in the Office Action. For at least the reasons set forth above, Applicants request that the objection to Claim 100 be withdrawn.

Furthermore, Claim 100 depends from independent Claim 95. When the recitations of Claim 100 are considered in combination with the recitations of Claim 95, as amended, Applicants submit that Claim 100 likewise is patentable. For at least the reasons set forth above, Applicants request that the objection to Claim 100 be withdrawn.

With respect to newly added claim 162, Claim 162 recites a method for providing context sensitive information, wherein the method comprises: "receiving from a user, an identity of the user and a defined query related to a business operation of the user . . .

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querying at least one database, based on the received defined query and the received user identity, to retrieve query information from the at least one database . . . determining a location of the user within a facility, the location of the user related to the user's duties within the business operation . . . creating a context sensitive subset of the query information based on the user information and the location of the user within the facility, wherein the query information is related to the user's duties within the business operations . . . and transmitting the created context sensitive subset of the query information for retrieval by the user."

None of the cited art, considered alone or in combination, describes nor suggests a method of providing context sensitive information as is recited in Claim 162. More specifically, none of the cited art considered alone or in combination, describes nor suggests a method of providing context sensitive information that includes receiving from a user, an identity of the user and a define query, wherein the query is related to a business operation of the user, querying at least one database base on the received defined query and received user identity to retrieve the query information from at least one database, and determining a location of the user within a facility, wherein the location of the user is related to the user's duties within the business operation. For at least the reasons set forth above, Claim 162 is submitted to be patentable.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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